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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,208	01/04/2002	Ara H. Gharapetian	45784-87	6472

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Squire, Sanders & Dempsey L.L.P.  
14th Floor  
801 S. Figueroa Street  
Los Angeles, CA 90017-5554

EXAMINER
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DU, THUAN N

ART UNIT	PAPER NUMBER
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2116

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/037,208

Applicant(s)

GHARAPETIAN, ARA H.

Examiner

Thuan N. Du

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 1/4/02, 9/13/02 and 2/19/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 14-17, 21-24, 26 and 28-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 14-17, 21-24, 26 and 28-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/29/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Preliminary Amendment (dated 9/13/02 and 2/19/03), IDS (dated 5/29/02 and 9/13/02).
2. Claims 9-13, 18-20, 25 and 27 have been cancelled.
3. Claims 1-8, 14-17, 21-24, 26 and 28-32 are presented for examination.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 4-8 and 14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claim 4 recites the limitation "the initiation device" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim.
7. Claims 5-8 and 14-16 are also rejected for incorporating the above deficiency by dependency.

#### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-5, 7, 8, 14, 17, 21-24, 26, 28, 29 and 32 are rejected under 35

U.S.C. 102(b) as being anticipated by Darbee et al. [Darbee] (U.S. Patent No.

5,552,917). U.S. Patent No. 5,552,917 was submitted by applicant on 5/29/02.

10. Regarding claim 1, Darbee teaches a remote control (10), comprising:

a memory (RAM 54) pre-programmed [col. 8, lines 1-10; col. 15, line 57 to col. 16, line 11] with addresses and commands [col. 6, line 60 to col. 7, line 2] for a plurality of electronic devices for a home theatre system [col. 8, lines 10-15];

a processor (CPU 56) capable of communicating with the memory to access the addresses and commands for the plurality of electronic devices [col. 6, line 60 to col. 7, line 2];

an initiation device (DO button) capable of communicating with the processor [col. 5, lines 25-27] so that when the initiation device is activated the processor encodes an address and a command into a signal for each electronic device in the plurality of electronic devices [col. 6, lines 34-36; col. 9, line 48 to col. 10, line 6]; and

a transmitter [col. 8, lines 45-55] capable of communicating with the processor where the processor directs the transmitter to sequentially send automatically the signal to each electronic device in the plurality of electronic devices [col. 15, line 57 to col. 16, line 40].

11. Regarding claim 2, Darbee teaches the remote control further including an input device capable of receiving address and command for an electronic device from a memory storage area [col. 5, lines 25-27; col. 8, lines 1-19].

12. Regarding claim 3, Darbee teaches the remote control further including an output device capable of communicating with the microprocessor and displaying information about a status of the remote control. [col. 3, line 65 to col. 4, line 5].

13. Regarding claim 4, Darbee teaches a remote control (10), comprising:

a processor capable of communicating with a memory pre-programmed with addresses and commands for a plurality of electronic devices for a home theatre system [col. 6, line 60 to col. 7, line 2];

a dedicated button (DO button) capable of communicating with the processor [col. 5, lines 25-27] so that when the dedicated button is activated the processor encodes an address and a turn on or off command into a signal for each electronic device in the plurality of electronic devices [col. 6, lines 34-36; col. 9, line 48 to col. 10, line 6; col. 16, lines 38-39]; and

a transmitter [col. 8, lines 45-55] capable of communicating with the processor where the processor directs the transmitter to send the signal to each electronic device in the plurality of electronic devices [col. 15, line 57 to col. 16, line 40].

14. Regarding claim 5, Darbee teaches that the signal for each electronic device in the plurality of electronic devices is sent sequentially [col. 16, lines 20-40].

15. Regarding claim 7, Darbee teaches the remote control further including an input device capable of receiving address and command for an electronic device [col. 5, lines 25-27; col. 8, lines 1-19].

16. Regarding claim 8, Darbee teaches the remote control further including an output device capable of communicating with the microprocessor and displaying information about a status of the remote control. [col. 3, line 65 to col. 4, line 5].

17. Regarding claims 14, Darbee teaches that the address encoded in the signal for a TV [col. 8, lines 12-13].

18. Regarding claim 17, Darbee teaches a remote control, comprising:

a memory (RAM 54) pre-programmed [col. 8, lines 1-10; col. 15, line 57 to col. 16, line 11] with addresses and commands [col. 6, line 60 to col. 7, line 2] where each of the plurality of commands performs an operation for a corresponding plurality of electronic devices for a home theatre system and each of the plurality of addresses corresponds to an electronic device within the plurality of electronic devices [col. 8, lines 10-15; col. 15, line 57 to col. 16, line 40];

dedicated button (DO button) capable of communicating with a microprocessor [col. 5, lines 25-27] to encode a turn on or off signal with the address and command for each electronic device in the plurality of electronic devices [col. 6, lines 34-36; col. 9, line 48 to col. 10, line 6; col. 16, lines 38-39]; and

a transmitter [col. 8, lines 45-55] automatically sending the signal for each electronic device in the plurality of electronic devices [col. 15, line 57 to col. 16, line 40].

19. Regarding claims 26 and 32, Darbee teaches a system comprising:

a plurality of electronic devices for a home theatre system where each of the plurality of electronic devices are assigned a corresponding address to receive a turn on or off signal [col. 8, lines 1-19]; and

a remote control pre-programmed with the corresponding address for each electronic device in the plurality of electronic devices, where the remote control has a dedicated button capable controlling the plurality of electronic devices by sending the turn on or off signal encoded with the corresponding address and a command to control each electronic device in the plurality of electronic devices [all the claimed subject matter is already discussed in respect to claims 1, 4 and 17 above].

20. Regarding claim 28, all the claimed subject matter is already discussed in respect to claim 4 above.

21. Regarding claim 29, Darbee teaches that the plurality of electronic devices including a TV [col. 8, lines 12-13].

22. Regarding claims 21-24, since they recite method of operating of the apparatus defined in the apparatus claims, they are rejected accordingly based on the rejection of the apparatus claims.

### ***Claim Rejections - 35 USC § 103***

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claims 6, 15, 16, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darbee et al. [Darbee] (U.S. Patent No. 5,552,917).

25. Regarding claim 6, Darbee does not explicitly teach that the remote control including a plurality of transmitters for simultaneously transmitting a plurality of signal to the plurality of electronic device. However, it is a matter of design choice to integrate a plurality of transmitters into the remote control for simultaneously transmitting a plurality of signals.

26. Regarding claims 15, 16, 30 and 31, Darbee does not explicitly teaches the devices including a DVD or an amplifier. One of ordinary skill in the art would have recognized that a DVD or an amplifier is an electronic device. Darbee teaches that the remote control capable of controlling a multiple number of different electronic devices [col. 7, lines 56-58]. Therefore, it would have been obvious to one of ordinary skill in the art to recognized that the remote control taught by Darbee would also capable of controlling a DVD or an amplifier.

### ***Conclusion***

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (571) 272-3673. The examiner can normally be reached on Monday and Wednesday-Friday: 10:00 AM - 8:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (571) 272-3670.



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Central TC telephone number is (571) 272-2100.

The fax number for the organization is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

A handwritten signature in black ink, appearing to read 'Thuan N. Du', with a stylized flourish at the end.

Thuan N. Du  
November 24, 2004